RAJYA SABHA

Monday, the 12th December, 2005/21 Agrahayana, 1927 (Saka)

The House met at eleven of the clock,

MR. CHAIRMAN in the Chair.

ORAL ANSWERS TO QUESTIONS

MR. CHAIRMAN: Questions. Question No. 261.

Strategies for speedy justice

*261. SHRI RAVULA CHANDRA SEKAR REDDY: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government are preparing any strategies for providing legal aid including short-term measures such as helping people getting access to courts and expeditious disposal of cases through alternative dispute resolution mechanisms and long-term measures, including implementation of the social welfare schemes envisaged by the legislature and the executive;

(b) if so, the details thereof;

(c) whether it is also a fact that his Ministry is preparing a Bill to introduce Gram Nyayalayas or panchayat courts to provide justice to the disadvantaged sections;

(d) if so, the details thereof; and

(e) the time set to implement this?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) Yes, Sir.

(b) to (e) A Statement is laid on the Table of the House.

Statement

(b) The scope of legal aid is being expanded. Special measures are being taken up for welfare of the weaker sections of the society such as women, children, persons in custody, industrial workers, etc. Alternative

Dispute Resolution Mechanisms have been adopted. Counselling and Conciliation Centres have been set up in the States of Andhra Pradesh, Bihar, Chhattisgarh, Goa, Gujarat, Haryana, Karnataka, Madhya Pradesh, Orissa, Punjab, Rajasthan, Tripura, Uttar Pradesh and West Bengal and Union Territories of Andaman and Nicobar Islands, Chandigarh, Pondicherry and National Capital Territory of Delhi. Efforts are being made to establish such Centres in the remaining States of the country. Mediation Centres are also being set up. Lok Adalats are being organized regularly in all the States for speedy disposal of cases.

(c) to (e) The Government is considering the question of bringing in a Parliamentary legislation for the establishment of Gram Nyayalayas at the intermediate Panchayat level or for a group of contiguous Gram Panchayats. The proposal is broadly based on the concept of establishment of Gram Nyayalyas recommended by the **Law Commission of India in its 114th Report on Gram Nyayalayas.**

The Government proposes to finalise a Bill which would seek to provide for the establishment of Gram Nyayalayas for the purpose of providing access to justice, both civil and criminal, to the citizens at the grass root level and to ensure that opportunities for securing justice are not denied to any citizen by reason of social, economic or other disabilities. These Nyayalayas would form part of the subordinate judiciary.

The proposed Gram Nyayalayas shall consist of a Nyayadhikari who shall be qualified to be eligible to be appointed as Judicial Magistrate of the first class and belonging to a cadre of Nyayadhikaris constituted by the Governor in consultation with the State Public Service Commission and the Chief Justice of the High Court and two Lay Judges who shall be holding at least a Bachelor's Degree and having experience in socially oriented activities for at least five years in the locality. The Gram Nyayalayas would be holding the courts at their head quarters and also as Mobile Courts in close proximity of the places where the parties ordinarily reside in the Nyayalaya's territorial jurisdiction. The Gram Nyayalayas will deal with both civil and criminal cases of a simple nature and follow summary procedure and have a time bound plan of disposal of the cases coming before them. The manpower required for the proposed Gram Nyayalayas shall be in addition to the existing judicial officers of the subordinate judiciary. There are at present about 6,097 intermediate Panchayats. In order to provide flexibility the High Courts will be empowered to lay down detailed rules governing the procuedure of the Gram Nyayalayas.

It is proposed to hold a **Conference of State Law Ministers and Law Secretaries at New Delhi on the 18th December, 2005** to discuss the various issues relating to the establishment of the proposed Gram Nyayalayas in the country. The exact number of Gram Nyayalayas which will be established will depend upon the requirement of the States and broad criteria as may be finalised on the basis of the outcome of the Conference.

In view of the fact that the proposal is to be finalised after holding consultations it will be very difficult to lay down any rigid time frame in this regard. However, it is expected that the Government may be able to introduce the Bill in the coming Budget Session of Parliament.

SHRI RAVULA CHANDRA SEKAR REDDY: Sir, this question pertains to Nyay Panchayats at lower level. We are aware of the pending cases in the various courts of our country. That's due to lot of vacancies in judiciary. Apart from vacancies, the facilities are also not up to the mark. And we are aware that 'justice delayed is, justice denied'. I wanted a specific answer from the hon. Minister regarding the constitution of Nyay Panchayats. We are aware of the mobile courts which are functioning apart from the Lok Adalats which are subsisting. What is the mechanism which you are going to adopt for these Nyay Panchayats, right from selection of Nyay Adhikari to the rendering of justice?

SHRI H.R. BHARDWAJ: Sir, the proposed Gram Nyayalayas are likely to be set up on the recommendaiton of the 114th Report of the Law Commission of India. Sir, the concept is very simple. There are far-flung areas in the remote villages where people find it difficult to have access to justice. So, in order to provide justice at their doorsteps, we have conceived Gram Nyayalayas which will attend to the cases in those rural areas and, perhaps, a particular level of Panchayats may be clubbed together for which these Gram Nyayalayas will function. They will have summary procedures. They will dispense with the rule of evidence and following the principles of natural justice, these courts will dispose of cases quickly.

SHRI RAVULA CHANDRA SEKAR REDDY: Sir, the answer says, the hon. Minister is going to have a conference on 18th December, 2005 wherein they are going to discuss all these issues with Law Ministers and Law Secretaries of the various States. I would like to know from the hon. Minister regarding the time frame, though he has stated that it is very difficult to put a time frame, still, I would like to insist upon him that when he is going to have a meeting, on 18th December, with the State Law Secretaries and the State Law Ministers, is he going to take the opinion, the views,

experiences and advice of Bar Associations also while involving all important people who are at the State level and at the national level?

SHRI H.R. BHARDWAJ: Sir, the meeting with the State Law Ministers is necessary because these courts are to be located in the States. And mostly, the trial courts, magisterial courts, are appointed by the State Governments and funded by them. But the States have found difficulty in financing courts; so, the previous Government started the Fast Track Courts at the sessions level; and we have found that they have done good work. We have allowed them to continue on regular basis, funded by my Ministry. So, there was a need for the magisterial court also. We are going to discuss this issue with the State Ministers on what pattern these courts can be funded. So, once a consensus is reached between the States and the Centre, we will be able to set up these courts. Indeed, we will discuss this issue with everybody, every stake-holder, in running these courts, and the Bar Association being an important component of the justice administration, we will have their views also.

[MR. DEPUTY CHAIRMAN in the Chair]

SHRIMATI N.P. DURGA: Sir, the hon. President of India has advised that if all the 24 Judges of the Supreme Court take up 1000 additional cases, to be cleared in two years by working for two additional hours on all working days, and on Saturdays, the pendency of cases can be minimised to a great extent, and the Judges of the High Courts and the Subordinate Courts can follow a similar model to speed up justice, and thereby, reduce the number of pending cases. I would like to know from the hon. Minister as to what the decision of the Government to this suggestion made by the hon. President is.

SHRI H.R. BHARDWAJ: Sir, it has now been realised by every concerned person, courts, lawyers and litigants that we must contribute our mite in reducing arrears of cases in the country, and the Government also has taken steps in this respect. Suggestions emanate from different quarters, and the hon. President has also emphasised that we should contribute our mite in reducing the arrears. The judges are aware of it, they have also been responding very well, and the result is that if we put our mite together, we can improve the system of justice administration. This is a continuing process, and if we do out work regularly, the result obviously will be reduction in arrears.

SHRI JAIRAM RAMESH: Sir, I would like to ask the hon. Minister that if there is one successful example of cutting down of delays in the Supreme Court, it was the massive computerization of the Supreme Court that

resulted in this phenomenon. Is there a plan to do a similar exercise in the case of High Courts? Will the hon. Minister indicate a roadmap for the computerization of case work in these courts?

SHRI H.R. BHARDWAJ: Sir, I am very grateful to the hon. Member for putting this question. You will be very happy to know that this Government has launched a programme of massive computerization of courts at various levels. We are right now engaged in computerising metro-level courts. The Supreme Court and the High Courts have already been given a priority, and now, this year, we have granted Rs. 214 crores for computerization of the metro-level courts. We have now a roadmap for e-governance in the country whereby, all courts up to the taluka level, and from taluka level to the Supreme Court, will not only be computerised, but also connected with e-Governance Committees set up by the Supreme Court of India.

श्री शाहिद सिद्दिकी: सर, आपका ग्राम न्यायालय का बहुत अच्छा विचार है। लेकिन एक खतरा उसके ऊपर है, उस पर आपको ध्यान देना होगा। जो जात-पांत पंचायतें काम कर रही हैं, वे भी गांव के अंदर जस्टिस देती हैं और वह जात-पांत की बुनियाद पर होता है, उसमें इनजस्टिस ज्यादा हो रहा है। इसमें एक खतरा यह है कि जो ग्राम न्यायालय बनेंगे, इनमें किसी एक कास्ट का या किसी एक धर्म का डोमिनेंस ज्यादा हो जायेगा, जिसे जस्टिस मिलने का चांस कम हो जाता है। इसको रोकने के लिए, इस खतरे से निपटने के लिए आप क्या इसमें स्टेप्स लेंगे?

†[شری شاہد صدیقی : سر، آپ کا گرام نیائلے کا بہت اچھا وچار ہے۔ لیکن ایک خطرہ اس کے اوپر ہے، اس پر آپ کو دھیان دینا ہوگا۔ جو ذات پات پنچایتیں کام کر رہی ہیں، وہ بھی گاؤں کے اندر جسٹس دیتی ہیں اور وہ ذات پات کی بنیاد پر ہوتا ہے، اس میں انجسٹس زیادہ ہو رہا ہے۔ اس میں ایک خطرہ یہ ہے کہ جو گرام نیائلے بنیں گے، ان میں کسی ایک کاسٹ کا یا کسی ایک دھرم کا ڈومینیس زیادہ ہو جائے گا، جسے جسٹس ملنے کا چانس کم ہو جاتا ہے۔ اس کو روکنے کے لئے، اس خطرے سے نپٹنے کے لئے آپ کیا اس میں اسٹیپس لیں گے؟]†

SHRI H.R. BHARDWAJ: I think the hon. Member has not properly understood the concept of Gram Nyayalayas. The very word 'Gram Nyayalayas' denote that they will be connected with panchayats. The concept is the local court. Local court does not mean that there will be dilution of the content of justice. It will be a stipendiary court, assisted by lay people so that the dilect of the local people is understood by the judge. We are only dispensing with the lengthy procedure of trail and rule of evidence of corroboration. It will be a simple mechanism out of which

†[]Transliteration in Urdu Script.

lengthy procedure has been taken out, and there will be no caste bias of any kind because, the judges will be recruited by the High Courts, and they will be of the same quality, as the functioning courts.

SHRI SHANTARAM LAXMAN NAIK: Sir, as far as Gram Nyayalayas are concerned, I would like to know from the hon. Minister whether the legislation will be a model legislation to be adopted by the State Legislature or whether the Minister is going to introduce a new legislation in the Parliament; if a legislation is going to be introduced in the Parliament, whether the competence of Parliament with respect to this subject has been checked.

SHRI H.R. BHARDWAJ: Sir, it will be a Central legislation, and the Parliament has the competence to legislate.

SHRI N.K. PREMACHANDRAN: Sir, I appreciate the Law Minister's esteemed efforts to render justice to the weaker sections of the society, and it is a fully satisfactory answer. I also fully appreciate and welcome the concept of Gram Nyayalayas.Sir, my question is regarding the constitution of Gram Nyayalayas. They will consist of one Nyayadhikari, who shall be qualified to be eligible to be appointed as Judicial Magistrate, and two Lay Judges who are to be appointed, as per his answer. I would like to know what are the prescribed qualifications for such Judges and what is more of appointment of the two Lay Judges. In the District Legal Services Authority, the experienced and qualified persons are not being appointed in the Lok Adalats. Such complaints are coming. So, in this case also, complaints can come. Since this is a part of the subordinate judiciary, what are the qualifications prescribed for the appointment of such Judges and what is the mode of appointment? I would like to seek these clarifications from the hon. Minister.

SHRI H.R. BHARDWAJ: Sir, I can assure this hon. House that so far as the quality of justice is concerned, it is ensured through the provision of stipendiary courts. Lay Judges are only meant for assisting the court in the matter of understanding the local dialect. If a judge goes to a remote or a rural area, he has to directly talk to the people there. The judge may not understand the local dialogue. These two Lay Judges assisting the court will explain what the witness or the party is saying to the court. They will only assist the court in these matters.

So far as the legal understanding and the legal decision-making process are concerned, it will be obviously for the court, which is the Magisterial-cum-Munsif court, which will decide the qualifications, as to who will be the Lay Judges. The idea has been conceived. The rules will provide as to

who can be a Lay Judge. A list of such Judges will be maintained. According to the State, at the district level, and the District Judge will provide Lay Judges to the court. This is just an idea as to how the court will be constituted. We can remove one or two of them if it is not beneficial to have the two Lay Judges. Like, we had 'jury' earlier in the trials. Now, it has been dispensed with. But in some parts of the world, jury is still continuing. So, in our system of Gram Nyayalayas, we want to have two Lay Judges only for the purpose of enabling the Judges to understand the local dialect because they will address directly to the people. It will be a participatory justice, justice at the doorsteps. So, this is how we are making this experiment on the basis of the 114th Report of Mr. Dhirubhai Desai, the then Chairman of the Law Commission.

शिक्षकों की नियुक्ति

*262. डा॰ कुमकुम राय: क्या मानव संसाधन विकास मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या यह सच है कि दसवीं पंचवर्षीय योजना में पहली कक्षा से आठवीं कक्षा के विद्यार्थियों के लिए दस लाख शिक्षकों की नियुक्ति करने का लक्ष्य निर्धारित किया गया था;

(ख) यदि हां, तो अब तक राज्य-वार कितनी नियुक्तियां की गई हैं; और

(ग) यदि अभी तक कोई नियुक्ति नहीं की गई है तो इसके क्या कारण हैं और उक्त नियुक्तियां कब तक कर दी जाएंगी?

मानव संसाधन विकास मंत्रालय में राज्य मंत्री (श्री मोहम्मद अली अशरफ फातमी): (क) दसवीं पंचवर्षीय योजना के लिए योजना आयोग द्वारा प्रारंभिक और प्रौढ़ शिक्षा पर गठित कार्यदल ने शिक्षा के प्रारंभिक स्तर के लिए 10.66 लाख शिक्षकों की अनुमानित आवश्यकता बताई थी।

(ख) सर्व शिक्षा अभियान कार्यक्रम के तहत अब तक 4.92 लाख शिक्षक नियुक्त किए जा चुके हैं। राज्यवार ब्यौरा विवरण में दिया गया है। (नीचे देखिए)

(ग) प्रश्न नहीं उठता।

विवरण

क्र॰सं॰	राज्य/संघ राज्य क्षेत्र	सर्व शिक्षा अभियान के अंतर्गत अक्तूबर, 2005 तक नियुक्त शिक्षकों की संख्या
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